United Nations A/64/841–S/2010/330

General Assembly
Security Council

Distr.: General
23 June 2010

Original: English

General Assembly
Sixty-fourth session
Agenda item 128
International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Security Council
Sixty-fifth year

Identical letters dated 18 June 2010 from the Secretary-General addressed to the President of the General Assembly and the President of the Security Council

I have the honour to transmit to you the attached letter dated 31 May 2010 from Judge Patrick Robinson, President of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, containing requests related to the completion of the work of the Tribunal.

In his letter, President Robinson seeks the extension of the terms of office of the judges at the Tribunal in accordance with the submitted trial and appeals schedule. The terms of office of all the judges are due to expire on 31 December 2010. As you are aware, in resolution 1900 (2009) of 16 December 2009, the Security Council underlined its intention to extend, by 30 June 2010, (a) the terms of office of all trial judges at the Tribunal based on the projected trial schedules, and (b) the terms of office of all appeals judges at the Tribunal until 31 December 2012, or until the completion of the cases to which they are assigned if sooner.

President Robinson also requests that nine ad litem judges be permitted to serve at the Tribunal beyond the cumulative period of three years provided for under article 13 ter, paragraph 2, of the statute of the Tribunal.

It falls to the General Assembly and the Security Council to consider and decide on these requests. Accordingly, I should be grateful if you would bring the letter from President Robinson to the attention of the members of the General Assembly and the members of the Security Council.

(*Signed*) **BAN** Ki-moon

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Annex

Letter dated 31 May 2010 from the President of the International Tribunal for the Former Yugoslavia addressed to the Secretary-General

I have the honour of referring to Security Council resolution 1877 (2009) of 7 July 2009, whereby the terms of office of the permanent and ad litem judges were extended by the Security Council until 31 December 2010, or upon the completion of the cases to which they were assigned, if sooner. I also refer to Security Council resolution 1900 (2009) of 16 December 2009, which underlined the Security Council's intention to extend, by 30 June 2010, the terms of office of all trial judges based upon the Tribunal's projected trial schedule and the terms of office of all appeal judges until 31 December 2010, and requested the President to submit an updated trial and appeals schedule.

By the present letter, I wish to submit an updated trial and appeals schedule and to bring to your attention the necessity of extending the terms of office of the Tribunal's permanent and ad litem judges. Permission is also required for some of the ad litem judges to serve at the Tribunal beyond the cumulative period of service provided for under article 13 ter (2) of the Tribunal's statute.

Having due regard to the Tribunal's current anticipated completion dates for all trial and appellate work, and considering General Assembly resolution 63/256 of 24 December 2008, which authorizes the Tribunal "to offer contracts to staff in line with dates of planned post reductions in accordance with the relevant prevailing trial schedules", I am requesting extensions of the terms of office of the Tribunal's judges commensurate with those that the General Assembly has authorized for the Tribunal's staff.

By reference to the attached trial and appeals schedule, the following extensions are sought.

Permanent judges

An extension until 31 December 2012 or at the completion of the trials and appeals to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Flügge (Germany)

Judge Morrison (United Kingdom of Great Britain and Northern Ireland)

Judge Hall (Bahamas)

Judge Delvoie (Belgium)

An extension until 31 December 2013 or at the completion of the appeals to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Agius (Malta)

Judge Moloto (South Africa)

Judge Antonetti (France)

Judge Orie (Netherlands)

An extension until 31 December 2014 or at the completion of the appeals to which they are or will be assigned, if sooner, is sought for the following judges:

Judge Robinson (Jamaica)

Judge Pocar (Italy)

Judge Meron (United States of America)

Judge Liu (China)

Judge Kwon (Republic of Korea)

Please note that the following judge is currently anticipated to complete his mandate within the time frame set out in Security Council resolution 1877 (2009):

Judge Parker (Australia)

Ad litem judges

An extension until 31 December 2011 or at the completion of the trials to which they are currently assigned, if sooner, is sought for the following judges:

Judge David (Argentina)

Judge Prandler (Hungary)

Judge Trechsel (Switzerland)

An extension until 31 December 2012 or at the completion of the trials to which they are currently assigned, if sooner, is sought for the following judges:

Judge Mindua (Democratic Republic of the Congo)

Judge Nyambe (Zambia)

Judge Picard (France)

Judge Harhoff (Denmark)

Judge Gwaunza (Zimbabwe)

Judge Lattanzi (Italy)

Judge Baird (Trinidad and Tobago)

Additionally, the following judges require permission to serve at the Tribunal beyond the cumulative period of service provided for under article 13 ter (2) of the statute of the Tribunal:

Judge David (Argentina)

Judge Prandler (Hungary)

Judge Trechsel (Switzerland)

Judge Mindua (Democratic Republic of the Congo)

Judge Picard (France)

Judge Harhoff (Denmark)

Judge Gwaunza (Zimbabwe)

Judge Lattanzi (Italy)

Judge Baird (Trinidad and Tobago)

Please note that the following judges are currently anticipated to complete their mandate within the time frame set out in Security Council resolutions 1877 (2009) and 1900 (2009):

Judge Prost (Canada)

Judge Støle (Norway)

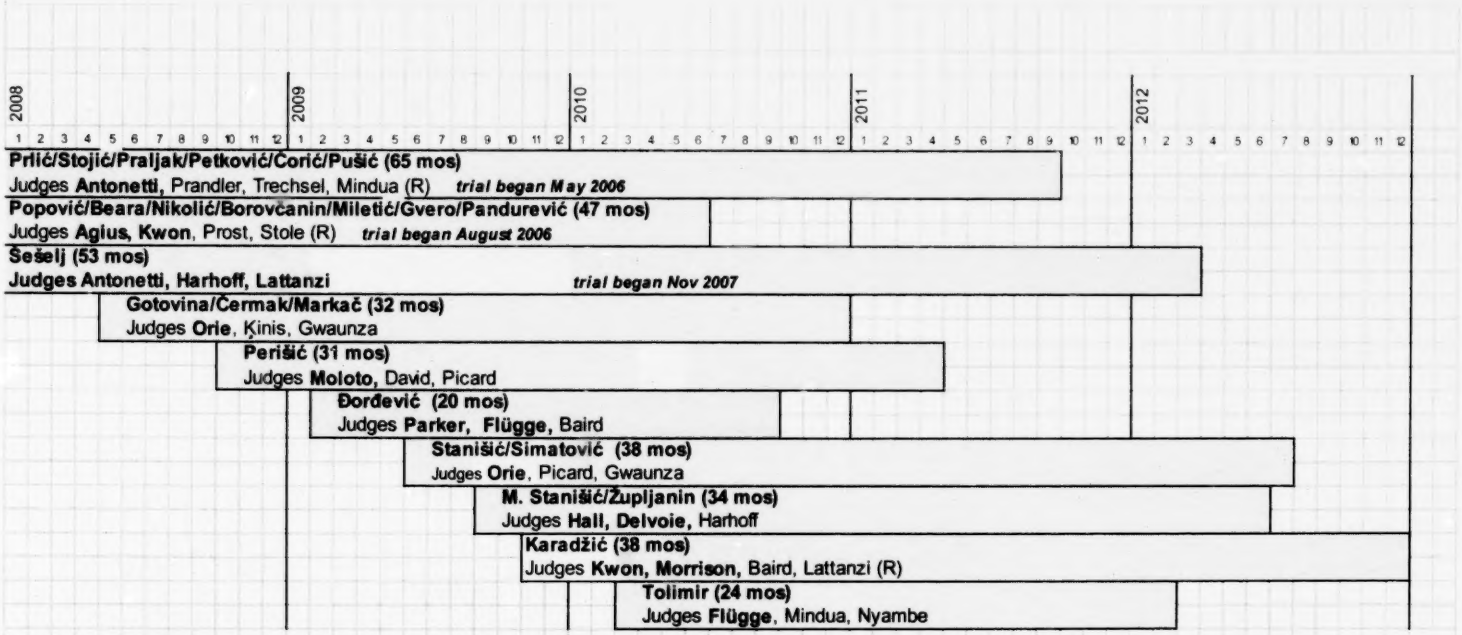
Judge Kinis (Latvia)

I would be grateful if you would bring this letter and its enclosures to the attention of the Security Council and the General Assembly for their consideration.

(*Signed*) Patrick **Robinson**
President

Enclosure I

International Tribunal for the Former Yugoslavia: projected forecast for ongoing trial proceedings (as of 10 May 2010)


2008
2009
2010
2011
2012
1 2 3 4 5 6 7 8 9 10 11 12
Prlić/Stojić/Praljak/Petković/Ćorić/Pušić (65 mos)
Judges Antonetti, Prandler, Trechsel, Mindua (R) trial began May 2006
Popović/Beara/Nikolić/Borovčanin/Miletić/Gvero/Pandurević (47 mos)
Judges Agius, Kwon, Prost, Stole (R) trial began August 2006
Šešelj (53 mos)
Judges Antonetti, Harhoff, Lattanzi trial began Nov 2007
Gotovina/Čermak/Markač (32 mos)
Judges Orie, Kinis, Gwaunza
Perišić (31 mos)
Judges Moloto, David, Picard
Đorđević (20 mos)
Judges Parker, Flügge, Baird
Stanišić/Simatović (38 mos)
Judges Orie, Picard, Gwaunza
M. Stanišić/Župljanin (34 mos)
Judges Hall, Delvoie, Harhoff
Karadžić (38 mos)
Judges Kwon, Morrison, Baird, Lattanzi (R)
Tolimir (24 mos)
Judges Flügge, Mindua, Nyambe
Key: ongoing
adjournment
pre-trial
fugitive
Contempt proceedings (indictment or order in lieu of indictment filed):
1. IT-04-84-R77.1 Shefqet Kabashi (at large), indictment issued 5 June 2007
2. IT-03-67-R77.3 Vojislav Šešelj, order in lieu of indictment issued on 3 February 2010
Fugitives: To be tried upon arrival
Mladić
Hadžić

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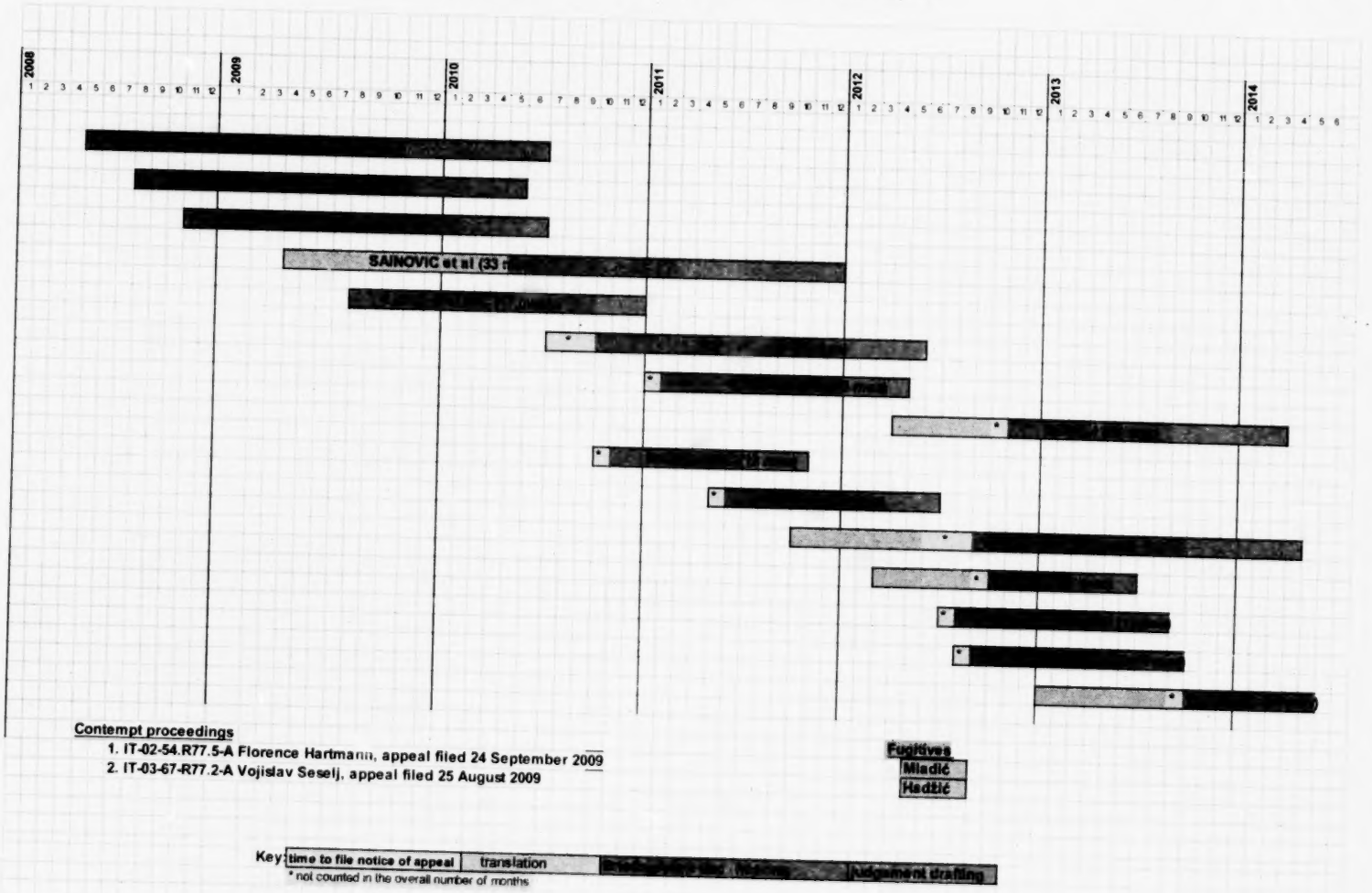
Enclosure II

International Tribunal for the Former Yugoslavia: projected forecast for ongoing and future appeal proceedings (based on 10 May 2010 trial schedule)



Enclosure III

International Criminal Tribunal for Rwanda: appeals schedule based on redeployment of judges and staff (as of 17 May 2010)